

TESTIMONY OF TOM FALIK, ON BEHALF OF  
THE CONNECTICUT ASSOCIATION OF HOME CARE REGISTRIES  
REGARDING SENATE BILL 446  
AN ACT CONCERNING THE DEFINITION OF THE TERM "DOMESTIC WORKER"

Senator Holder-Winfield, Representative Tercyak and the other members of the Labor & Public Employees Committee. Thank you for the opportunity to provide testimony on this important issue. My name is Tom Falik, and I represent the CT Association of Home Care Registries (CAHCR) regarding SB-446 and the definition of a "domestic worker". Our Association is comprised of homemaker-companion agencies that are registered with the DCP, and operate as referral registries to provide independent caregivers to CT's frail elderly and people chronic illnesses and disabilities.

In the 2014 Legislative Session, HB-5527 created a Domestic Workers Task Force, which is required to report its findings back to the Governor and Legislature by October 1, 2015. To date there has been one public hearing of this Task Force, and I do not believe that there have been any findings or report. In the absence of such findings or report, and with only a single line of drafted language in the current SB-446, it is difficult to know what comments this Committee is looking for in this Public Hearing. However, based on the text of the original (not passed) language of last year's HB-5527, and certain statements made at the Public Hearing of the Task Force held on November 21, 2014, we would submit the following comments:

1. The Task Force seems primarily focused on incidents of abuse against domestic workers, particularly immigrants (legal and illegal). Historically in CT, domestic workers have been excluded from several CT workplace protections, including laws covering minimum wage, overtime, workers comp and human rights and opportunities statutes. We would support language in SB-446 to eliminate these exclusions, in order to appropriately protect this class of citizens.

2. Federal and CT law already have numerous provisions that address the technical requirements of (a) paying minimum wage and overtime, (b) registries and (c) the proper classification of workers as either employees or independent contractors. We feel that it would be inappropriate for this Bill to interject additional rules regarding these issues, as that would likely contradict and further confuse the already complex intersection of existing Federal and State laws in these areas.

3. The original (not passed) language of HB-5527 created numerous onerous and unreasonable employer responsibilities for families hiring domestic help, including providers of elderly care. These responsibilities included many that the State does not impose, due to complexity or financial cost, on small businesses, much less on elderly individuals looking for homecare. Any additional requirements that expand the reach of current State workforce laws in these areas should be considered based on the proper balancing of: (a) the need to protect domestic workers, (b) not limiting the choices available to families seeking care for the elderly and people with disabilities, and (c) the ability of individuals and families to properly administer and fund any new requirements.

4. The original HB-5527 sought to exempt from the obligations contained in that Bill, various State government programs that funded domestic services and services to the elderly. We feel strongly that the State should be required to adhere to the same obligations and

responsibilities to protect domestic workers as are imposed on individuals and families. Such State exemptions are totally inappropriate, and would effectively make any new protections of domestic workers contained in the Bill largely meaningless. If State funded programs are required to provide the same protections for domestic workers as are individuals and families, hopefully legislators will give increased thought to exactly which obligations should be imposed on families and the State.

Thank you for this opportunity to testify. If SB-446 proceeds, we are hopeful that once the actual wording has been proposed, we will have an opportunity to comment on the specifics.